



## The 21<sup>st</sup> Navajo Nation Council

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**FOR IMMEDIATE RELEASE**

### **Navajo Board of Election Supervisors approve ballot language for election of judges referendum, legal opinions have no weight on decision**

*"The resolution that is before us is valid. The Attorney General has no authority to invalidate a resolution. The opinions have nothing to do with us – our duty is to put this language in clear form." -- Jonathan Tso, Vice Chairman for the Navajo Board of Election Supervisors*

**WINDOW ROCK, Ariz.** – The Navajo Board of Election Supervisors met today for a special meeting and approved ballot language for the referendum on the election of Navajo Nation District Court judges and Supreme Court justices by a vote of 6-3. The referendum will now go before the Navajo people during the 2010 Navajo Nation General Election on Nov. 2.

The election supervisors voted in favor of approving the referendum's ballot language despite the resolution being tabled twice and the legal opinions issued by the Navajo Nation Council's Office of the Chief Legislative Counsel and Navajo Office of the Attorney General on whether or not the referendum is subject to concurrence or veto by the Navajo Nation President.

"The resolution that is before us is valid," said Jonathan Tso, vice chairman for the Navajo Board of Election Supervisors. "The Attorney General has no authority to invalidate a resolution. The opinions have nothing to do with us – our duty is to put this language in clear form."

On Aug. 16, the election supervisors voted in favor of tabling the referendum because funding for public education was not identified. Last week, the election supervisors met for a regular meeting and tabled the item a second time as a result of the Attorney General's legal opinion saying Speaker Lawrence T. Morgan's certification of the resolution is invalid and that President Joe Shirley Jr., needed to take action on the resolution. The Attorney General's legal opinion was issued on Sept. 8.

Two days after the Attorney General's opinion, Chief Legislative Counsel Frank Seanez issued a three page legal opinion saying otherwise. Mr. Seanez found that pursuant to 2 N.N.C. § 1005 (C)(10) and (11) the President is allowed to certify or veto proposed resolutions when such resolutions enact new laws, amend existing laws or adopt a statement of policy. The referendum, which was certified by Speaker Morgan, did not enact new laws, amend existing laws or adopt a statement of policy and is valid according to 2 N.N.C. § 221 (C).

Election Supervisors Lenora Johnson, Ruth Watson and Bessie Yellowhair-Simpson opposed approval of the ballot language citing the lack of funding for public education and the need for independent legal counsel due to conflicts of interest between Ron Haven, legislative counsel to the board, and Frank Seanez, chief legislative counsel.

"We need to make a directive here that we need the funding," Yellowhair-Simpson said. "It is very, very critical that we educate our people of what effect the referendum will have on the laws."

Edison Wauneka, executive director for the Navajo Election Administration, said funding for public education is going through the legislative process before going to the full Council for approval.

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Honorable Amos Johnson and Honorable Thomas Walker are co-sponsoring a supplementation appropriation of \$173,000, which will come from the Unreserved, Undesignated Fund Balance, for public education on the referendum. The supplemental appropriation was approved by the Navajo Nation Council's Intergovernmental Relations Committee on Aug. 31 by a vote of 6 in favor and 2 opposed.

The resolution is scheduled to go before the Council's Budget and Finance Committee on Monday, Sept. 20.

Honorable Walker, sponsor of the referendum, said the Navajo Board of Election Supervisors acted in the best interest of the Navajo people.

"The referendum is an exercise of power through the electoral process. It is the power that the Navajo people already have and the approval of the resolution's ballot language merely gives them the support and means to make a proper legal decision," Walker said. "I believe the election supervisors properly acted within their plan of operation and authority by deferring this matter to the Navajo people. *Diné bi bóhoolnį́įh* -- it will be the people's choice."

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